

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on January 19, 2005 at 3:10 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Jerry W. Black (R)
Sen. Jim Elliott (D)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Bob Story Jr. (R)

Members Excused: None.

Members Absent: None.

Staff Present: Lois O'Connor, Committee Secretary
Connie Erickson, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 170 1/06/2005
Executive Action: SB 57; SB 171

HEARING ON SB 170

Motion/Vote: SEN. JEFF MANGAN, SB 12, moved to reopen the hearing on SB 170 to allow for constituent testimony. Motion carried unanimously by voice vote.

Discussion: SEN. MANGAN said that SB 170 (flexibility in school calendars and PIRD) may be able to address his constituent's concern.

{Tape: 1; Side: A; Time Counter: 2.0}

Ann Bellwood, Board Chair, Sun River Valley School System, said that on January 11, 2005, the National Weather Service issued a blizzard warning for Simms which was a very serious storm. At 5:00 a.m., there were wind gusts of 53 mph, a temperature of 6 degrees, and a deadly wind chill factor. The Weather Service was concerned about the potential loss of life. **Ms. Bellwood** said that she called the superintendent of the school district to call off school. The superintendent said that the school had run all of the bus routes, the weather is fine, the storm should not be here until noon, and if the school can get a one-half day in, it would not have to make up the day. Since she was passionate about the fact that it was a serious health risk to continue to have school, the superintendent called school off.

Ms. Bellwood said that she found out later that the day had to be made up on a Saturday or a holiday. She believed that if there is a weather service blizzard advisory, schools should have at least one snow day in their calendars that they do not have to plan for and that there should not be a disincentive for superintendents to call off school. She requested the Committee's support for an amendment to SB 170 to cover one snow or bad weather day within the school calendars when the Weather Service has issued a serious warning.

Following a brief discussion, **SEN. MANGAN** said that he would speak with OPI and discuss an amendment for the Committee's consideration.

SEN. BOB STORY said that both SB 170 and a bill that he is carrying includes language referring to "aggregate hours". He was unsure whether there was a definition in statute about what the term means or if it needs to be defined. He requested that Committee staff research the issue.

Executive Action on SB 170 was postponed.

EXECUTIVE ACTION ON SB 171

Motion: SEN. GREGORY BARKUS moved that SB 171 DO PASS.

Discussion: SEN. STORY said that according to testimony, SB 171 was not a legislative issue, but one in which the Board of Regents can deal with in its constitutional powers. The Board has chosen that its current policy be 1-year contracts. He said that SB 171 is ineffectual and he opposed it. SEN. ELLIOTT agreed.

Substitute Motion/Vote: SEN. DAN MCGEE made a substitute motion to TABLE SB 171. The motion failed 4 to 6 by roll call vote with SENATORS ELLIOTT, HAWKS, MCGEE, and STORY voting aye.

Motion/Vote: SEN. BARKUS' motion that SB 171 DO PASS carried on a 6 to 4 reverse vote with SENATORS ELLIOTT, HAWKS, MCGEE, AND STORY voting nay.

{Tape: 1; Side: A; Time Counter: 15.9}

EXECUTIVE ACTION ON SB 57

Motion/Vote: SEN. STORY moved that SB 57 DO PASS. Motion carried unanimously by voice vote. SEN. KIM GILLAN voting aye by proxy.

CONTINUED DISCUSSION ON SCHOOL FUNDING

{Tape: 1; Side: A; Time Counter: 18.1}

SEN. MANGAN recommended that the Senate Education and Cultural Resources Committee initiate an analysis of educational needs and costs contained in existing studies completed by reputable and reliable experts. The work that the Committee completes is intended to be compiled and utilized for the use of the Committee, either in additional Committee bills or to pass on to an interim committee. He said that because the Committee discussed defining education under SB 152, SEN. MANGAN felt it appropriate to review one of the next steps--analyzing educational needs and costs contained in the testimony heard on SB 152. The Committee has the ability to move forward under rule, and it has shown and proven that it can sit down, work together, and review and compile information, for a number of purposes.

SEN. STORY said that with the passage of SB 152, it has moved the Legislature down the road to the next step in the process of complying with the Court decision. The Committee has the ability and opportunity to be a player in the whole arena if it is done

properly. He agreed with **SEN. MANGAN** in that the Committee needed to begin an indepth review of some of the issues that the Legislature has to deal with in the 2005 Session and as it moves forward. One of those issues is how the Legislature is going to put costs to the items that end up in the final version of SB 152.

SEN. STORY added that before the Session began, speakers discussed educational lawsuits and the opportunities and pitfalls in this area. The topics of discussion in his caucus has been what studies will be used, how will it be decided what studies will be used, and what are the differences in the methodologies of the studies. He felt that the Committee had the opportunity and should take the time to begin understanding the issues because the Legislature's only hope in the battle is to put together knowledge, understand it, and not get it the mode of us against them.

SEN. DON RYAN agreed and stated that the Committee's next step is to review the educationally relevant factors and the evidence presented to meet the Court's demand of tying its funding formula to those factors.

Motion: **SEN. MANGAN** moved that the Committee develop a Committee bill creating an interim committee, if needed, whose purpose will be to include the review and possible revision of the analysis of the educational needs from the full Senate Education and Cultural Resources Committee and develop or revise the state funding formula for education.

Discussion: **SEN. DAN MCGEE** asked if **SEN. MANGAN** felt that the Committee and Legislature would be unable to complete the work during the 2005 Session. **SEN. MANGAN** said no and believed that the Committee and Legislature could complete the work but, if not, the Committee needed an alternative.

SEN. RYAN said that the Legislature needed to show the Court its plan to get to educationally relevant factors. The more it can do before the October deadline the better, and it will give the Court some idea of the direction that the Legislature is going.

Ms. Erickson, said that Senate Rule 31.50 requires at least a three-fourths vote of all the member of a standing committee in order to allow the committee to request the introduction of legislation. Secondly, if a bill requests an interim study, it must have an appropriation in it. The bill request could not have an appropriation in it because it originates in the Senate. She recommended that the Committee consider the possibility of using

the current Education and Local Government Interim Committee instead of creating another interim committee.

SEN. STORY requested that as the Committee goes through the process, if the intent is to have Committee collaboration, any results that come out of the discussions that appear to be supported by the Committee have a consensus support.

Vote: SEN. MANGAN's motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 3:40 P.M.

SEN. DON RYAN, Chairman

LOIS O'CONNOR, Secretary

DR/LO

Additional Exhibits:

EXHIBIT ([eds14aad0.PDF](#))